

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 1646 OF 2015

DAYANAND S/O MADHAVRAO TAKLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Gastgar Santosh B.

APP for Respondents: Mr.U.H.Bhogale.

Advocate for first informant : Mr. Santosh Bhosale.

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CORAM : **V. M. DESHPANDE, J.**

DATE : 08th April, 2015.

Per Court:

1 By the present application, the Applicants are seeking anticipatory bail since they are apprehending their arrest in connection with Crime No.7 of 2015, registered at Umri Police Station, Taluka Umri, District Nanded, for the offences punishable under Sections 465, 467, 468, 471, 419 and 420 read with Section 34 of the Indian Penal Code.

2 I have heard Mr.S.B.Gastgar, learned counsel for the Applicants, Mr. U.H.Bhogale, learned APP and Mr.Santosh Bhosale, learned counsel for the first informant, in detail

3 The first informant is one Raju Vitthalrao Dhage. Admittedly, this first informant is having no concern whatsoever in respect of the property of deceased Fulsing Lobha Rathod. However, it appears that as a diligent citizen, he has filed the first information report.

4 In the first information report, accusations are like, that one Fulsing Lobha Rathod who died on 16th January, 2012, was having an agricultural property bearing Gat No.49, admeasuring 1 Hectare and 33 Ares at village Mokhandi. After the death, the said land was transferred by executing a registered sale-deed in favour of present Applicant No.1 by Uttam Harilal Rathod, who is a nephew of deceased Fulsing Lobha Rathod on 11th October, 2013. On the said sale-deed, Applicant No.2 has signed as one of the witness. The first information report is lodged on 6th February, 2015, in respect of the transaction that occurred on 11th October, 2013. Further, in the first information report itself it has been averred that Applicant No.1 on 13th December, 2014, has executed a further sale-deed in respective of the said property in favour of one Munaji, resident of Islampura, curiously enough nothing is alleged against Mr.Munaji not the offence is registered against said person. This substantiates the submission on behalf of the Applicants that the present first informant is nursing grudge against Applicant No.1 due to political rivalry.

5 Whether the nephew of the deceased was having any right to execute the sale-deed or not, is a question has to be decided before the Civil Court in appropriate proceedings. Those proceedings are to be filed only by the legal heirs of deceased Fulsing Lobha Rathod.

6 Further, in so far as the role of Applicant No.2 is concerned, he has only signed as a witness to the registered sale-deed. There are no other allegations against Applicant No.2. Further, against Applicant No.1 also, there are no allegations that he has instigated and/or done certain acts by which Uttam Rathod has fabricated the sale-deed in connivance with Applicant No.1.

7 In that view of the matter, I pass the following order:

- I. Criminal Application No. 1646 of 2015 is allowed.
- II. In the event of arrest of Applicant No.1 – Dayanand Madhavrao Takle and Applicant No.2 – Sambhaji Madhavrao Inglewad, they be released on anticipatory bail in connection with Crime No.7 of 2015, registered at Umri Police Station, Taluka Umri, District Nanded, for the offences punishable under Sections 465, 467, 468, 471, 419 and 420 read with Section 34 of the Indian Penal Code, on they executing P.R. Bond of Rs.5,000/- each with one solvent surety of the like amount.
- III. With this, the criminal application is disposed of.

[V. M. DESHPANDE, J.]